

Regular Session, 2010

ACT No. 486

HOUSE BILL NO. 781

BY REPRESENTATIVE CHAMPAGNE

AN ACT

To enact R.S. 33:7714, relative to wastewater districts; to create a consolidated wastewater district for the towns of Erath and Delcambre; to provide for the purpose, boundaries, and powers of the district; to provide for the governance of the district; to provide for the issuance of bonds; to provide restrictions on the issuance of bonds; to provide for the assumption of debt; to provide for the levy of an ad valorem tax; to provide for an election on the question of such ad valorem tax; to provide for the powers, rights, and duties of districts subsumed by this district; to provide for existing contractual rights; and to provide for related matters.

Notice of intention to introduce this Act has been published
as provided by Article III, Section 13 of the Constitution of
Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:7714 is hereby enacted to read as follows:

§7714. Erath-Delcambre Consolidated Wastewater District

A.(1) There is hereby created the Erath-Delcambre Consolidated Wastewater District, referred to in this Section as the "district" or "consolidated district", within the parishes of Vermilion and Iberia, as more specifically provided in Subsection B of this Section. The district shall be a political subdivision of the state within the meaning of Article VI, Section 44(2) of the Constitution of Louisiana but shall not be considered an instrumentality of the state for the purposes of Article X of the Constitution of Louisiana.

(2) The district is established for the construction, maintenance, and operation of wastewater services and facilities within the district boundaries.

1 B. The Erath-Delcambre Consolidated Wastewater District shall be
2 comprised of all of the property located within the corporate limits of the towns of
3 Erath and Delcambre, as well as all of the property within the following boundaries:
4 bounded on the west by the eastern edge of the Delcambre Canal, bounded on the
5 north by the southern edge of a straight line formed by the extension of Pearl Street
6 in an easterly direction, bounded on the east by a straight line formed by the western
7 edge of Twin Port Road and its extension to the north where it intersects with the
8 extension of Pearl Street, and bounded on the south by a straight line drawn due west
9 from the southern end of Twin Port Road to a point where it intersects with the
10 eastern edge of the Delcambre Canal.

11 C.(1) The district shall be governed by a board of commissioners, referred
12 to in this Section as the "board", comprised as follows:

13 (a) Two members shall be appointed by the governing authority of the town
14 of Erath.

15 (b) Two members shall be appointed by the governing authority of the town
16 of Delcambre.

17 (c) One member shall be appointed by the seafood processing facilities
18 within the district.

19 (2)(a) Except as provided in Subparagraph (b) of this Paragraph, members
20 shall serve four-year terms and shall be eligible for reappointment. In no case,
21 however, shall any member serve more than three consecutive terms.

22 (b) Initial terms of the board shall be determined by lot at the first meeting;
23 one member shall serve one year; one member shall serve two years; two members
24 shall serve three years; and one member shall serve four years.

25 (3) All members shall be residents of the district.

26 (4) Members may be removed for cause by a majority vote of the other
27 members of the board. Any member so removed shall not be eligible for
28 reappointment to the board.

29 (5) Any member who misses four consecutive regular meetings of the board
30 shall be automatically removed from office and his position shall be deemed vacant.

1 (6) Vacancies on the board shall be filled in the manner of the original
2 appointment. Should the appointing authority fail to fill the vacancy within thirty
3 days of receiving official notice of the vacancy from the highest ranking officer of
4 the board in good standing, the remaining board members may appoint a member to
5 serve the remainder of the unexpired term. Such an appointee shall be eligible for
6 reappointment by the appointing authority.

7 D.(1) Board members shall serve without compensation.

8 (2) The board shall be domiciled in the town of Delcambre.

9 (3) The board shall adopt bylaws it deems necessary or advisable for
10 conducting its business affairs. Rules and regulations of the board relative to the
11 notice and conduct of meetings shall conform to applicable law, including laws
12 relative to open meetings. The board shall hold regular meetings as shall be provided
13 for in the bylaws and may hold special meetings at such times and places within the
14 district as may be prescribed in the bylaws.

15 (4) The minute books and archives of the district shall be maintained by the
16 secretary-treasurer of the board. The monies, funds, and accounts of the district shall
17 be in the official custody of the board.

18 (5) The board shall elect from its members a chairman, a vice chairman, a
19 secretary-treasurer, and such other officers as it may deem necessary. The duties of
20 the officers shall be fixed by the bylaws adopted by the board.

21 (6) A majority of the members of the board shall constitute a quorum for the
22 transaction of business. The board shall keep minutes of all meetings and shall make
23 them available through the secretary of the board.

24 E. The district, through its governing board, shall have the following powers:

25 (1) To sue and be sued.

26 (2) To establish, use, and alter at will a corporate seal.

27 (3) To enter into contracts.

28 (4) To acquire, hold, lease, or dispose of property.

1 (5) To contract for, install, maintain, and operate a sewerage system within
2 its boundaries and to exercise the power of expropriation for the purpose of laying,
3 installing, and operating the sewerage system and appurtenances.

4 (6) To incur indebtedness and issue bonds in the manner provided by law.

5 (7) To receive and expend gifts, grants, donations, or appropriations of
6 money.

7 (8) To enact all rules and regulations necessary or advantageous to the
8 installing, maintenance, operation, and use of the sewerage systems or plants.

9 (9) To employ or contract for labor necessary to achieve the purpose of the
10 district.

11 (10) Any other powers necessary or incidental to the achievement of the
12 purpose of the district.

13 F.(1) In addition to any other powers granted by this Section or by any other
14 provision of law, the governing authority of the district may levy taxes on real
15 property within the district for the purpose of funding any aspect of providing a
16 sewerage system, subject to the provisions of this Subsection:

17 (a) Such taxes may be levied in the form of ad valorem taxes or parcel fees
18 which shall be levied on all taxable property within the district.

19 (b) Any such tax or fee shall be levied and collected in the same manner as
20 ad valorem taxes. Such tax may be carried on the tax rolls for the parishes in which
21 the district is located and may be enforced in the same manner as ad valorem taxes.

22 (c) The board may incur debt and issue bonds payable in whole or in part
23 from an irrevocable pledge and dedication of all or a portion of the proceeds of such
24 taxes on property in accordance with the law.

25 (d) The proceeds of the tax or parcel fee or of bonds secured by such tax or
26 fee may be used by the district for any aspect of providing sewage disposal services,
27 including but not limited to acquisition, construction, improvement, extension,
28 operation, repair, or maintenance of all or any element of a sewerage system.

29 (2) Any such tax or fee to be levied in the district shall be proposed in an
30 ordinance of the district. Such ordinance shall specify the type of tax, the rate of the

1 tax, if the tax is a parcel fee, the ordinance must define "parcel", the timing and
2 manner of collection of the tax or fee, and the ordinance must state the purpose for
3 which the tax is requested.

4 (3) No such tax or fee shall be levied nor any debt incurred nor bonds issued
5 until such action is approved by a majority of the electors of the district voting on the
6 proposition at an election held for such purpose in accordance with the Louisiana
7 Election Code.

8 G. Any existing sewerage district wholly included within the boundaries of
9 the consolidated district, referred to in this Section as an "underlying district", shall
10 no longer have the right to issue bonds or other obligations, and all books, records,
11 and assets of such underlying district shall be transferred to the consolidated district.
12 The board of the consolidated district shall cause taxes to continue to be levied in all
13 respects as would have been required had such consolidation not been effected for
14 the payment of the outstanding indebtedness of each underlying district, if such
15 indebtedness has not been assumed by the consolidated district as provided in
16 Subsection H of this Section. In addition, if the indebtedness of any underlying
17 district consists of revenue bonds or special assessment certificates payable from
18 service charges or assessments, the board of the consolidated district shall continue
19 to impose and collect such service charges or assessments, as well as any special
20 taxes previously authorized and legally dedicated by covenant with bondholders to
21 the payment of maintenance or operation expenses.

22 H. The creation of the consolidated sewerage district by this Section shall not
23 affect or impair in any manner any contract rights enjoyed by the holders of any
24 outstanding bonds or obligations of any underlying districts. To the extent required
25 by such contract rights, taxes, service charges, and assessments on the property
26 subject to the payment of principal of and interest on such bonds or obligations shall
27 continue to be levied and collected as provided in Subsection G of this Section;
28 however, the district may assume all or any indebtedness of any underlying district
29 in the manner and with the effect provided by R.S. 39:661 et seq. for the assumption
30 of indebtedness by parishes.

1 I. The district, in addition to its right to issue bonds or other obligations for
2 the purposes and in the manner elsewhere provided in the constitution and laws of
3 this state, may issue refunding bonds for the purpose of refunding any outstanding
4 revenue bonds or obligations of one or more of its underlying districts or, in its
5 discretion, may authorize and deliver a single issue of revenue bonds for both
6 improvement and refunding purposes. Refunding bonds so authorized shall be
7 authorized and issued in the manner provided by law for the issuance of the bonds
8 or other obligations refunded and shall be secured in the same manner as the bonds
9 or obligations refunded, except that the governing authority, in its discretion, may
10 provide for changes in the source of payment of such bonds or obligations as it
11 considers desirable, and except that any refunding bonds so authorized either may
12 be sold and the funds realized from the sale thereof applied exclusively to the
13 payment of the bonds or obligations refunded or may be delivered in exchange for
14 a like principal amount of the bonds or obligations refunded or may be sold in part
15 or exchanged in part. Such refunding bonds also may be sold and the proceeds
16 thereof escrowed to be used in paying the bonds or obligations refunded on the date
17 on which they become payable through maturity or call for redemption. Refunding
18 bonds so issued shall not exceed in principal amount the principal amount of the
19 bonds or obligations to be so refunded.
20 Section 2. The provisions of this Act shall become effective January 1, 2011.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____